

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

June 9, 2011

Elisabeth A. Shumaker
Clerk of Court

ROGER PALMER, on behalf of himself
and all others similarly situated,

Plaintiff - Appellant,

v.

RITA BUGE; KATHY LA MOINES;
CRAIG LA MOINES; BARBARA
OLDANI; VINCENT ROSS, a/k/a
Skipper Ross; TONY ROSS;
CHEYENNE POLICE DEPARTMENT;
LARAMIE COUNTY DISTRICT
ATTORNEY'S OFFICE,

Defendants - Appellees.

No. 11-8038
(D.C. No. 2:09-CV-00201-ABJ)

ORDER

Before **LUCERO, MURPHY**, and **GORSUCH**, Circuit Judges.

Acting without counsel, Roger Palmer filed a complaint in the U.S. District Court for the District of Wyoming relating to an allegedly unlawful search and seizure. The complaint was dismissed and Mr. Palmer filed a notice of appeal on April 28, 2010. This court affirmed the district court's judgment. Palmer v. Buge, No. 10-8037 (10th Cir., Sept. 13, 2010) (unpublished).

The case was fully at end, and no further proceedings took place in the district court. However, on June 8, 2011, Mr. Palmer filed in the district court the same notice of

appeal that he had previously filed on April 28, 2010, seeking appellate review of the same judgment this court has already reviewed. A preliminary record was transmitted to this court and this second appeal from the exact same judgment was opened.

The doctrine of res judicata provides that “[a] final judgment on the merits of an action precludes the parties or their privies from relitigating issues that were or could have been raised in that action.” Wilkes v. Wyo. Dep’t of Employment Div. of Labor Standards, 314 F.3d 501, 503-04 (10th Cir.2002) (quotation omitted). This court has already considered Mr. Palmer’s claims of error in the district court proceedings and he is precluded from litigating these claims again.

This attempted appeal is dismissed.

Entered for the Court
ELISABETH A. SHUMAKER
Clerk of Court



by:

Douglas E. Cressler
Chief Deputy Clerk